



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

**COMMISSION ADJUDICATORY
DOCKET NO. 594**

IN THE MATTER OF CATHIE THOMAS

DISPOSITION AGREEMENT

The State Ethics Commission ("Commission") and Cathie Thomas ("Thomas") enter into this Disposition Agreement pursuant to §5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented to final order enforceable in the Superior Court pursuant to G.L. c. 268B, §4(j).

On April 22, 1999, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law by Thomas. The Commission concluded that inquiry and on June 23, 1999, found reasonable cause to believe that Thomas violated G.L. c. 268A, §23(b)(2).

The Commission and Thomas now agree to the following findings of fact and conclusions of law:

1. From December 1985 to until the present, Thomas has been a Hampden Probate Court Clerk. As such, she is a state employee within the meaning of G.L. c. 268A, §1 of the conflict of interest law.

2. Criminal offender record information ("CORI") is restricted by law; only certain individuals have lawful access to such information. Unlawful solicitation and/or possession of CORI records have potential civil and criminal penalties.^{1/}

3. CORI is accessed by a computer terminal in each courthouse. Court employees who have CORI access log on to the computer by entering a unique and confidential password.^{2/} Thomas was not CORI cleared and did not have CORI access.

4. Alberto Perez ("Perez") is a Hampden Superior Court probation officer. By virtue of his official position, Perez had access to CORI information.

5. Perez and Thomas knew each other only through their official positions as court employees; they are not friends.

6. In 1996, Thomas' uncle, Richard Thomas ("Richard"), was running for a compensated seat on the Hampden County Commission. One of his opponents was Abraham Kasparian, Jr. ("Kasparian").

7. On or about September 6, 1996, at the Hampden Court House where they both worked, Thomas asked Perez for Kasparian's CORI record. Thomas gave Perez Kasparian's name and date of birth.

8. Perez agreed to obtain Kasparian's CORI record for Thomas.

9. On September 6, 1996, Perez accessed and printed out a copy of Kasparian's CORI record.

10. After Perez printed a copy of Kasparian's CORI record, he gave it to Thomas at the Hampden Court House. Perez told Thomas that she could look at it but that she should throw it away after she was done. Perez stated that he gave Thomas the report only because she was a fellow court employee and he thought she was CORI-cleared. Perez stated that he would never have given the CORI report to a non-court employee.^{3/}

11. Thomas kept Kasparian's CORI record printout and thereafter gave it to her uncle on September 6, 1996. Richard gave Kasparian's CORI record to a newspaper reporter on September 9, 1996. It was then published ^{4/} ^{5/}

12. Section 23(b)(2) of G.L. c. 268A prohibits a public employee from knowingly or with reason to know using or attempting to use her official position to obtain for herself or others an unwarranted privilege or exemption of substantial value which is not properly available to similarly situated individuals.

13. Thomas requested and received from fellow court employee Perez confidential CORI information concerning her uncle's political opponent. Thomas knew or had reason to know that but for her position as a court employee, Perez would not have accessed the information for her. Therefore, Thomas knew or had reason to know that she was using her official position to obtain this information.

14. Neither Thomas nor her uncle was authorized to have access to CORI records. Therefore, Thomas' use of her official position to obtain such information for herself and/or her uncle was an unwarranted privilege or exemption.

15. Thomas' obtaining access to Kasparian's CORI records was of substantial value because she gave it to her uncle knowing or with reason to know that he would use it to gain advantage in his political campaign for a county commissioner position.

16. The privilege of obtaining another's CORI record is not properly available to similarly situated individuals (all non-CORI-cleared individuals, which includes the general public).

17. Thus, by using her official position as a Hampden Probate Clerk to secure for herself and/or her uncle the unwarranted privilege of access to and use of her uncle's political opponent's CORI record, Thomas violated G.L. c. 268A, §23(b)(2).

In view of the foregoing violation of G.L. c. 268A, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Thomas:

(1) that Thomas pay to the Commission the sum of two thousand (\$2,000.00) as a civil penalty for the violation of G.L. c. 268A, §23(b)(2); and

(2) that Thomas waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceeding to which the Commission is or may be a party.

DATE: September 23, 1999

1/ See G.L. c. 6, §177 (imposes potential civil damages of not less than one hundred and not more than one thousand dollars for each violation plus costs) *and* c. 6, §178 (imposes potential criminal fines of not more than five thousand dollars or imprisonment in a jail or house of correction for not more than one year, or both).

2/ Many employees are cleared to see CORI information, but do not have a password and cannot access CORI records themselves.

3/ Perez assumed Thomas was CORI-cleared because she worked in the court.

4/ Richard plead guilty to unlawful possession of CORI information and paid a \$5,000 fine.

5/ The Commissioner of Probation suspended Perez without pay for 20 work days.